

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PERCEY LEE RIC'E,

Plaintiff,

v.

PERRY RUSSELL, *et al.*,

Defendants.

Case No. 3:23-cv-00339-MMD-CLB

ORDER

Plaintiff filed a notice that he is hearing impaired and requesting that fellow inmate William R. Lyons be present to help him during hearings and conferences in this action, including the mediation conference scheduled for May 17, 2024. (ECF No. 8). Interested Party Nevada Department of Corrections ("NDOC") timely objected to Plaintiff's request for Lyons's assistance, arguing it raises confidentiality, conflict, and unlawful-practice-of-law concerns. (ECF No. 12). The NDOC highlights that Lyons is not an attorney and is pursuing his own civil-rights action about the incident that is at issue in this action. (*Id.* at 4). But the NDOC agrees to accommodate Plaintiff's hearing impairment at the mediation conference in three ways.

First, Plaintiff will be offered a new pair of hearing aids before the conference. (ECF No. 12-1 at 3). Second, Plaintiff will be placed in a quiet room for the mediation conference. (*Id.*) Third, Plaintiff will have access to a landline telephone that he can use during the mediation conference if he is unable to hear the Zoom video call audio. (*Id.*) Additionally, Deputy Attorney General Mayra Garay declares that she conducted a teleconference with Plaintiff on April 24, 2024, and was able to communicate with him "without issue." (ECF No. 12-3 at 3).

The NDOC raises legitimate concerns about permitting Lyons to assist Plaintiff in this action. And the solutions it proposes appear reasonably calculated to accommodate Plaintiff's hearing disability during the mediation conference.

1 It is therefore ordered that the NDOC's objection to Plaintiff's request to have fellow
2 inmate William Lyons present to help him during hearings and conferences in this action
3 (ECF No. 12) is sustained, and Plaintiff's request for that relief (ECF No. 8) is denied.

4 It is further ordered that Plaintiff will participate in the mediation conference without
5 assistance from a fellow inmate, however, the NDOC will accommodate Plaintiff's hearing
6 impairment by offering him a new pair of hearing aids before the conference and placing
7 him in a quiet room with access to a landline telephone during the conference.

8 DATED THIS 1st day of May 2024.

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10 UNITED STATES MAGISTRATE JUDGE
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